

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHIRLEY WILLIAMS,

Plaintiff,

v.

STATE OF MISSOURI, et al.,

Defendants.

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No. 4:16CV307 NAB

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action for trespass and destruction of property. The motion is granted. Additionally, this action is dismissed for lack of jurisdiction.

Rule 12(h)(3) of the Federal Rules of Civil Procedure requires the Court to dismiss any action where it is apparent that jurisdiction is lacking.

Plaintiff's claims arise under state law. To bring a state law case in federal court, diversity jurisdiction must exist under 28 U.S.C. § 1332. For diversity jurisdiction to exist, a plaintiff and the defendants must be "citizens of different States." 28 U.S.C. § 1332(a)(1). "It is, to say the least, well settled that federal diversity jurisdiction requires complete diversity, so that no defendant is a citizen of the same state as any plaintiff." *Walker v. Norwest Corp.*, 108 F.3d 158, 162 (8th Cir.1997).

In this case, plaintiff resides in the same state as each of the defendants. Therefore, the Court does not have jurisdiction to hear this case.

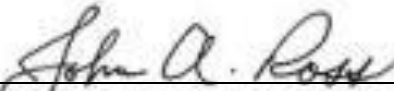
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 8th day of March, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE